

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9334 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and  
MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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M/S ANJANI SYNTHETICS LTD.

Versus

UNION OF INDIA  
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Appearance:

MR PARESH M DAVE for Petitioners  
MR AKSHAY H MEHTA for Respondents  
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CORAM : MR.JUSTICE J.N.BHATT and  
MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 25/11/1999

ORAL JUDGEMENT(Per J.N.Bhatt, J.)

Rule, service of which is waived by learned Central  
Government Standing Counsel Mr Akshay Mehta for the  
respondents.

Upon joint request and in view of the special facts and  
circumstances, the petition is taken up today itself for

final hearing.

In this petition under Article 226 of the Constitution of India, the only question which requires consideration is whether the impugned action and the order in refusing abatement in respect of hot air stenter was taken without affording an opportunity of hearing or not. It appears from the record, very clearly, that before passing the impugned order, no such opportunity was given. Therefore, the impugned order suffers from the vice of non-hearing. In the circumstances, the petition is required to be allowed on that ground alone.

Consequently, respondent No.2, who has recorded the impugned order, is directed to reconsider the representation and the request made by the petitioner after giving him an opportunity of hearing available under the law and pass fresh speaking order. The matter is, therefore, accordingly, remanded. Rule is made absolute to that extent with no order as to costs.

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(vjn)